

PATENT
Serial No. 09/663,315
Amendment in Reply to Office Action of August 22, 2005

IN THE DRAWING

Please replace FIGs 3 and 5-6 with the enclosed replacement
FIGs 3 and 5-6.

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REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

It is respectfully submitted that on the cover sheet of the Office Action mailed on August 22, 2005, the inventor's last name is misspelled as "Hermann". Please correct the spelling to --Herrmann--, with double 'r', as correctly included in the Declaration signed by the inventor on November 3, 2000, and mailed to the Patent Office on January 4, 2001. Further, it is respectfully requested that a corrected filing receipt be issued, where it appears that none was issued in response to two such requests mailed on January 4, 2001 and January 29, 2001.

By means of the present amendment, the drawings have been amended to correct certain informalities in FIGs 3 and 5-6 noted upon review. In particular, FIG 3 has been amended to change a (duplicate) reference designation 57 of the box labeled $RN \in [0;1)$ to --47--, in conformance with the specification such as page 9, line 9 and page 10, lines 10 and 32. FIG 5 has been amended to

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change "P_I" to --P_{II}-- in box 59, in conformance with the specification, such as page 10, line 13. In addition, FIG 6 has been amended to change "P_I" to --P_{IV}-- in box 59, in conformance with the specification, such as page 11, line 2.

Three replacement sheets including FIGs 3 and 5-6 are enclosed. It should be noted that the enclosed replacement sheet including FIG 3, also includes changes filed by facsimile on March 14, 2004, in reply to the Office Action of December 12, 2003, namely, changing "P_{IV}" to --P_{III}-- in box 46, and adding --N-- to the flow line from box 58 to box 57. Applicant respectfully requests approval of the enclosed proposed drawing changes.

By means of the present amendment, the specification has been amended to correct certain informalities.

In the Office Action, claims 32 and 35-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,374,099 (Bi) in view of U.S. 5,142,533 (Crisler). Further, claims 32-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bi in view of Crisler and U.S. 6,621,807 (Jung). In response, claims 32 and 40 have been amended for clarification. It is respectfully

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submitted that claims 32-40 are patentable over Bi, Crisler and Jung for at least the following reasons.

Bi is directed to a high priority emergency overload access control system that treats a wireless unit as a higher priority unit than other wireless units when attempting to access a wireless communication system with an emergency/high priority call. In such a case, the wireless unit will experience an increased probability of passing a persistence test 68 (shown in Fig 4A) for every access channel slot.

It is respectfully submitted that Bi does not teach or suggest the present invention as recited in independent claim 32, and similarly recited in independent claims 39-40, which requires amongst other patentable elements:

a terminal for exchanging user data and control data with the base station in dependence upon a plurality of persistency probabilities for assigning various transmissions capacities by the base station for at least one data packet.
(Emphasis added)

Assigning various transmissions capacities by a base station is nowhere taught or suggested in Bi. Rather, Bi discloses providing access to an emergency call first as compared to a non-

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emergency call, where all calls are presumably have the same transmissions capacity.

Further, Bi also does not teach or suggest the present invention as recited in independent claim 32, which requires amongst other patentable elements:

wherein, after a transmission of a rejection message by the base station corresponding to the first reservation request, the terminal is further operable to transmit the first reservation request for at least one additional time to the base station in dependence on a second persistency probability. (Emphasis added)

It is respectfully submitted that Bi does not teach or suggest a terminal that transmit the reservation request for at least one additional time after a transmission of a rejection message by the base station. Column 4, lines 19-21 is cited on page 3 of the Office Action to allegedly show this feature. It is respectfully submitted that this section of Bi merely teaches a failure of the persistence test. There is no disclosure or suggestion in Bi of a rejection message transmitted by the base station, let alone a terminal transmitting reservation request after such a rejection message.

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Further, as correctly noted by the Examiner, Bi does not teach or suggest the present invention as recited in independent claim 32, and similarly recited in independent claims 39-40, which requires amongst other patentable elements:

wherein, during a defined space of time after a complete transmission of the first data packet by the terminal to the base station, the terminal is further operable to transmit a second reservation request in dependence on a third persistency probability, the second reservation request being associated with a second data packet. (Emphasis added)

Crisler is cited in an attempt to remedy this deficiency in Bi. Crisler is directed to a method of providing a communication unit access to a shared communication resource. Column 8, lines 27-54 of Crisler is cited to allegedly show the above-noted features. It is respectfully submitted that this section of Crisler, describing FIG 5, is concerned with "the process of sending a packet after access to the resource has been obtained." (Column 8, lines 29-30. Emphasis added)

As shown in FIG 5, if a reserved packet is to be sent, then a reservation request is transmitted in step 520. If the reservation is not granted in step 550, then in step 570 the packet is

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resubmitted for transmission. Thus, FIG 5 is concerned with packet transmission.

In stark contrast, the above-noted features require that the terminal to transmit a second reservation request after a complete transmission of the first data packet. The process shown in FIG 5 of Crisler ends with packet transmission 560, and does not teach or suggest anything related after a complete transmission of the first data packet, as recited in independent claims 32 and 39-40.

Jung is cited to show other features and does not remedy the deficiencies in Bi and Crisler. Accordingly, it is respectfully requested that independent claims 32 and 39-40 be allowed. In addition, as claims 33-38 depend from independent claim 32, Applicant respectfully requests that claims 33-38 be allowed.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position,

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should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.


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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Please direct all future correspondence related to this application to:

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November 21, 2005

Enclosure: Replacement drawing sheets (3 sheets with FIGs 3, 5-6)

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